

Notice of Allowability

Application No.

10/748,342

Applicant(s)

DOMBROSKI ET AL

Examiner

Robert Shiao

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/13, 2005.
2. ☒ The allowed claim(s) is/are 1-4, 6-8 and 10-11, now are 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/13/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This application claims benefit of the provisional application: 60/437,228 with a filing date 12/31/2002.
2. Amendment of claims 1-2, 5-11 in the amendment filed on October 13, 2005, is acknowledged. Claims 1-12 are pending in the application.

Responses to Amendment

3. Since the variable R^7 of compounds of formula (I) does not represent (C_6 - C_{10})aryl, therefore, rejection of claims 1-3 under 35 U.S.C. 103(a) has been overcome in the amendment filed on October 13, 2005.
4. Rejection of claims 6-9 under 35 U.S.C. 112, second paragraph, has not been overcome in the amendment filed on October 13, 2005. Rejection of claims 6-9 under 35 U.S.C. 112, second paragraph, is maintained.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Todd M. Crissey on December 01, 2005. The application has been amended as follows:

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In claim 1, page 4, line 2, after "or solvates", delete "or prodrugs"

In claim 2, page 6, line 10, after "or solvates", delete "or prodrugs"

In claim 3, line 1, after "of any", insert

--one --

In claim 4, line 1, after "of any", insert

--one --

In claim 6, line 1, after "of any", insert

--one --

In claim 6, line 1, after "of claims", delete "claims 1," and insert

--claim--

In claim 7, line 1, after "of any", insert

--one --

In claim 7, line 1, after "of claims", delete "claims 1," and insert

--claim--

In claim 8, line 1, after "of any", insert

--one --

In claim 8, line 1, after "of claims", delete "claims 1," and insert
--claim--

In claim 10, page 10, line 13, after "or solvates", delete "or prodrugs"

In claim 11, line 3, after "or a salt", delete "or prodrug"

Delete claims 5, 9, and 12

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1-4, 6-8, and 10-11 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. This invention relates to benzamine inhibitors of the R2X7 receptor. The closest reference is Ashton et al. US 5,281,614, discloses substituted 1,2,4-triazoles bearing acidic functional groups as antihypertensive II antagonists. The difference between Ashton et al. and instant claims is that the instant compounds of formula (I) have not been found. Suggestion for modification of above record to obtain the instant claimed compounds/compositions has not been found. Claims 1-4, 6-8, and 10-11 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TAOFIQ SOLOLA
PRIMARY EXAMINER



Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626



Robert Shiao, Ph.D.
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December 02, 2005